

# *1is2many*

## **Sexual Violence Resources**

<http://www.nwosu.edu/1is2many>

2018-2019



**Northwestern**  
OKLAHOMA STATE UNIVERSITY

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## Introduction

Northwestern Oklahoma State University (NWOSU) is committed to addressing sexual misconduct and does not condone any form of sexual misconduct whether physical, mental, verbal, or emotional in nature. NWOSU believes that **1 victim is 2 many**. The following information, consistent with U.S. Department of Education Title IX guidance, provides details on the university response, resources, and remedies to sexual violence. The university hopes that you will help us in our efforts to maintain a safe and productive environment for all members of our community to live, learn and be successful by uniting as a community committed to ending sexual violence and sexual harassment.

Sexual harassment and sexual violence are forms of gender discrimination that are not tolerated at NWOSU. The university strongly encourages victims to report all acts of gender discrimination. Additionally, this booklet explains the process of filing a formal complaint with the Title IX Coordinator as well as with campus police. Please be aware that even if an individual chooses not to file a formal complaint, the university may take interim measures, such as changing academic schedules and housing arrangements, may be taken to provide safety for the victim in the educational setting.

Northwestern Oklahoma State University does not discriminate on the basis of race, color, national origin, sex, qualified disability, religion, sexual orientation, gender identity, veterans' status, genetic information or age in its program and activities. Therefore, the university will address all complaints of sexual harassment, including sexual violence, the same, irrespective if the complainant (person filing the complaint) or respondent (person the complaint is filed against) is of a protected class or sex.

Where it is determined that sexual misconduct is more likely than not to have occurred, the university Title IX

conduct sanctions can include suspension or expulsion. Even if law enforcement and criminal justice authorities choose not to prosecute a particular incident, the university may still pursue the incident through the Title IX investigation process. All Title IX processes are separate from law enforcement investigations. In instances where gender discrimination is not addressed through the student conduct system, the university still has the obligation under Title IX to take immediate action to eliminate the harassment, prevent its recurrence and address its effects, irrespective of formal legal processes.

## **Definitions**

### ***SEXUAL HARASSMENT***

Sexual harassment is unwelcome sexual advances, requests for sexual favors, & other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to such conduct or communication is made either explicitly or implicitly as a term or condition of educational benefits, employment, academic evaluations or other academic opportunities,
- b) Submission to or rejection of such conduct by an individual is used as the basis for an employment decision or academic decision affecting such individual, or
- c) Such conduct is sufficiently severe, pervasive or persistent and objectively offensive that it has the effect of creating an intimidating, hostile or offensive environment that negatively affects an individual's academic or employment environment.

Sexual harassment does not include verbal expressions or written materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the university's educational mission.

Sexual harassment can create a hostile environment. Sexual harassment should be reported even if it doesn't reach the point of creating a hostile environment. A hostile environment is defined as subjectively and objectively offensive and sufficiently severe or pervasive to alter the conditions of the victim's educational, employment or university environment.

Sexual harassment could occur off-campus and still have an effect on an individual's educational, employment or university environment as well as create a hostile environment. A one-time non-consensual contact could also create a hostile environment.

Examples of behavior that could be sexual harassment:

- Unwelcome sexual flirtation, advances, or propositions of sexual activity.
- Asking about someone else's personal, social or sexual life or about their sexual fantasies, preferences or history.
- Discussing your own personal sexual fantasies, preferences or history.
- Repeatedly asking for a date from a person who is not interested.
- Whistles, cat calls or insulting sounds.
- Sexually suggestive jokes, innuendoes or turning discussions into sexual topics.
- Sexually offensive or degrading language used to describe an individual or remarks of a sexual nature to describe a person's body or clothing.
- Calling a person a "hunk," "doll," "babe," "sugar," "honey," or similar descriptive terms.
- Displaying sexually demeaning or offensive objects and pictures.
- Making sexual gestures with hands or body movement.
- Rating a person's sexuality.
- Unwelcomed touching of a person's body including massaging a person.

## **SEXUAL VIOLENCE**

Sexual violence is physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into a category of sexual violence, including sexual misconduct, stalking, dating violence, and domestic violence.

## **SEXUAL MISCONDUCT**

Sexual misconduct is a broad term encompassing any non-consensual contact of a sexual nature. Sexual misconduct may vary in severity and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

- a) **Unwelcome sexual touching/exposure**  
The touch of an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth or clothing covering same); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts. This also includes indecent exposure and voyeurism.
- b) **Non-consensual sexual assault**  
Unwilling or non-consensual penetration of any bodily opening with an object or body part. This includes, but is not limited to, penetration of a bodily opening without effective consent through the use of coercion.
- c) **Forced sexual assault**  
Unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to drugs or alcohol, age, or disability) of which the assailant was aware or should have been aware.

Effective Consent is:

- informed;
- freely and actively given;

- mutually understandable words or actions; and
- Willingness to participate in mutually agreed upon sexual activity.

Further:

- Initiators of sexual activity are responsible for obtaining effective consent.
- Silence or passivity is not effective consent.
- The use of intimidation, coercion, threats, force or violence negates any consent obtained.
- Consent is not considered effective if obtained from an individual who is incapable of giving consent due to the following:
  - mental, developmental, or physical disability; or
  - s/he is under the legal age to give consent; or
  - S/he is incapacitated by alcohol, beer or under the influence of drugs.

Individuals who commit acts of sexual misconduct assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions.

Examples of sexual misconduct violations:

- Ignoring an individual's protest and engaging in sexual activity.
- Convincing somebody to have sex likely constitutes intimidation or coercion. If someone is coerced, the yes is not effective consent.
- Drinking and/or drug use may render an individual incapable of giving consent for sexual activity. For example, someone who is incapacitated may agree to have sex at the time, but have no memory of the consent. This person may have been functioning in a "blackout" and could not give effective consent.
- Holding a person down or preventing a person from leaving the room and forcing him or her to engage in sexual activity against his/her will.

## **STALKING**

Stalking is to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Stalking is defined to mean two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial emotional distress would include significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is the willful, malicious, and repeated following or harassment of a person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, demonstrating a continuity of purpose or unwelcomed contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. This may include repeatedly contacting another person (through any means, such as in person, by phone, electronic means, text messaging, etc.), following another person, or having others contact another person.

Any actions that a stalker takes to contact, harass, track or frighten another that could include repeatedly:

- following
- unsolicited visits or communication
- using online social media inappropriately
- damaging property

- showing up at places an intended victim(s) frequents
- sending pictures
- creating a website about a target of stalking
- sending unsolicited gifts
- stealing things that belong to intended victims
- calling repeatedly

Stalking can occur by someone that is known casually, a current boyfriend or girlfriend, someone dated in the past or a stranger.

Definition consistent with Violence Against Women Act Volume 79 CFR and Oklahoma state statute.

### ***DATING VIOLENCE***

Dating Violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person. The existence of such relationship shall be determined based on a consideration of the following factors:

- Length of the relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of domestic violence.

Definition consistent with Violence Against Women Act Volume 79 CFR.

### ***DOMESTIC VIOLENCE***

Domestic violence is a crime of violence committed by a;

- current or former spouse or intimate partner of the victim,
- person with whom the victim shares a child in common,
- person who is cohabitating with or has cohabited with the victim as a spouse,

- person similarly situation to a spouse of the victim.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological actions or threat of actions that influence another person.

Definition consistent with Violence Against Women Act Volume 79 CFR.

### **RETALIATION**

The University will not tolerate retaliation against a person who, in good faith, brings a complaint forward. Retaliation against an individual who has brought a complaint forward or against an individual who has participated in an investigation or conduct process is prohibited.

Retaliation is any attempt to:

- penalize, or
- take an adverse employment, educational, or institutional benefit action, including, but not limited to:
  - making threats,
  - intimidation,
  - reprisals, or
  - taking other adverse action
- against a person because of filing a complaint, participation in a complaint or the investigation of discrimination and/or harassment, sexual harassment, sexual conduct, or sexual violence.

### **Victim Information**

If you are victim of sexual violence, you are not alone and you are in no way responsible for your assault.

## **WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL VIOLENCE**

- a. If you are not safe and need immediate help, call the police. If the incident happened on campus, call the NWOSU Campus Police at 580-327-8511. If the incident occurred elsewhere in Alva, call the Alva Police Department at 580-327-2121. If the incident happened anywhere else, call the law enforcement agency that has jurisdiction in the location where it occurred.
- b. Do what you need to do to feel safe. Go to a safe place or contact someone with whom you are comfortable. You can talk to a victim advocate by calling Northwest Domestic Crisis Services at the local number at 580-327-6648 or the 24-hr hotline number at 888-256-1215 for further instructions and options on how to proceed. All services from Northwest Domestic Crisis Services are free.
- c. Do not shower, bathe, douche, change or destroy clothes, eat, drink, smoke, chew gum, take any medications or straighten the room or place of the incident. Preserving evidence is critical for criminal prosecution. Although you may not want to prosecute immediately after the incident, that choice will not be available without credible evidence. The evidence collected can also be useful in the campus conduct process.
- d. Go to the Alva Share Medical Center to receive care for any physical injuries that may have occurred. While in the emergency room, treatment will be provided for sexually transmitted diseases and to prevent pregnancy.
- e. Go to Woodward Regional Hospital to see a Sexual Assault Nurse Examiner (SANE) for a rape examination kit. You will be examined by the nurse in order to treat any injuries to gather evidence. Travel to Woodward Regional Hospital can be provided by NWOSU Victim's Advocate (Northwest Domestic Crisis Services) by calling **1-888-256-1215**.

- f. With your permission, the sexual assault Victim Advocate will support you throughout the entire exam, which will be performed by the nurse. The advocate will provide a packet of written materials that contains information about common reactions to sexual assault, follow-up medical needs and support services.

### ***ON AND OFF CAMPUS RESOURCES***

Sexual harassment and sexual violence can be emotionally disruptive, and it takes time to come to terms with such major stress. In addition to support that may be found in family and friends, the following agencies and departments can serve as resources.

It is important to be aware that different individuals who one may contact for assistance following an incident may have different responsibilities regarding confidentiality depending on their position. Under state law, some individuals can assure the victim confidentiality, including counselors and certified victim's advocates. In general, however, any other university employee cannot guarantee complete confidentiality, unless specifically provided by law. Universities must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community at large. See Reporting for more information.

#### ***NWOSU Victim Advocate*** – Confidential Reporting Option

NWOSU's Victim Advocate that can confidentially provide students with information about on and off campus resources available to victims.

Northwest Domestic Crisis Services  
Phone: **888-256-1215**.

#### ***Counseling Resources*** – Confidential Reporting Options

**NWOSU Counseling Services** – Fine Arts Building, Room 208, **580-327-8547**.

A counselor is available 24-hours a day.  
Call NWOSU Campus Police at 580-327-8511 to reach the on-call counselor after 5 p.m. weekdays and on the weekends.

***Other Local Services Available To Victims –***

Nonconfidential Reporting Options

***NWOSU Campus Police Department (Alva) –***  
Student Center Building, **580-327-8511**

***NWOSU Campus Police Department (Enid) –***  
Located in the campus building, **580-213-3130**

***Alva Police Department –*** 415 4<sup>th</sup> St. Ste. A,  
**580-327-2121**

***Woodward Police Department –*** 1219 8<sup>th</sup> St.,  
**580-254-8518**

***Enid Police Department –*** 301 W Owen K  
Garriott Rd, **580-242-7000**

***Title IX Coordinator –*** Fine Arts Building, Room  
126, **580-327-8415**

***Medical Services***

It's important to have a thorough medical examination after a sexual assault even if you do not have any apparent physical injuries. Medical providers can treat any injuries and provide tests for sexually transmitted diseases.

***Share Medical Center (Alva) –*** 800 Share  
Drive, **580-327-2800**

***Integris Bass Baptist (Enid) –*** 600 S. Monroe  
Street, **580-233-2300**

***St. Mary's Regional Medical Center (Enid)-***  
305 South 5<sup>th</sup> Street, **580-233-6100**

***Alliance Health (Woodward) –*** 900 17<sup>th</sup>  
Street, **580-256-5511**

**Additional Information** on resources as well as educational information on sexual violence prevention can be found at <http://www.nwosu.edu/1is2many>.

Also, reference <http://notalone.gov> for more information and resources.

## **Interim Safety Measures**

The Title IX Coordinator can put in place interim measures for student victims of sexual harassment and sexual violence as needed. A formal complaint does not need to be submitted to have interim measures put in place. The university will maintain confidentiality to the extent possible.

- a. **Assistance in Reporting:** The Title IX Coordinator can assist in filing a complaint through the Title IX process and the appropriate law enforcement agencies against the student(s) who caused harm.
- b. **No Contact Order:** The Title IX Coordinator can put in place a No Contact Order between the complainant and the respondent, which would prohibit contact between parties through any means of communication, as well as prohibit others from making contact on their behalf.
- c. **Emergency Protective Order:** NWOSU's Victim Advocate can assist victims in filing for an Emergency Protective Order. This is a court-ordered petition that prohibits contact between the complainant and respondent.
- d. **Safety Measures:** The Title IX Coordinator can coordinate any reasonable arrangements that are necessary for ongoing safety. This includes transportation arrangements or providing an escort.
- e. **Living Arrangements:** The Title IX Coordinator can assist in changing on-campus living arrangements or that of the respondent to ensure safety and a comfortable living situation.

- f. **Academic Arrangements:** The Title IX Coordinator can assist in adjusting academic schedules as well as assist in providing access to academic support services.
- g. **Other Interim Measures:** The Title IX Coordinator can coordinate reasonable arrangements to address the effects of the sexual violence, including connecting victims with counseling, health care or academic support resources.

When Title IX becomes aware of a student who potentially could have been a victim of sexual violence, they will contact the victim through Northwestern Oklahoma State University email or mail to share these potential interim measures, reporting options and other resources available. This will be done no matter the location of the incident.

## **Policies**

The following policies specifically address sexual misconduct:

- Faculty Handbook: 4.6 Sexual Harassment Policy
  - Located in the Faculty Handbook
- Staff Handbook: 7.8 Sexual Harassment Policy
  - Located in the Staff Handbook
- Sexual Misconduct Policy and Procedures
  - Located online at <http://www.nwosu.edu/1is2many>
  - Located in the Student Handbook

These policies are intended to be applied in harmony with one another wherever possible. Any person having questions about the interaction of these two policies should contact the Title IX Coordinator.

## **Reporting**

All forms of sexual harassment, including sexual violence, should be reported, no matter the severity. Northwestern Oklahoma State University's primary

concern is safety; therefore individuals should not be deterred from reporting even if the use of alcohol or drugs was involved.

The university encourages victims of sexual violence to talk to someone about what happened so they can receive support and so the university can respond appropriately. The university offers both confidential and non-confidential reporting options. It is important to be aware that different individuals who victims can contact for assistance following an incident may have different responsibilities regarding confidentiality, depending on their position. Under state law, some individuals can assure a victim of confidentiality, including counselors and certified victims' advocates. In general, however, any other university employee cannot guarantee complete confidentiality, unless specifically provided by law. Universities must balance the needs of the individual victim with an obligation to protect the safety and well-being of the community.

Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication".
- Other employees may talk to a victim in confidence, and generally report only that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a university investigation into an incident against the victim's wishes. This report is done through a Clery Report and does not include the victim's name or other identifying information.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator.

a. ***Confidential Reporting Options***

Confidential reporting options provide students with the ability to confidentially report and discuss an instance of sexual harassment, including sexual violence, without their information being shared with others. Please note confidential reporting limits the university's ability to respond to incidents.

***Professional Counselors***

Professional and licensed counselors who provide mental-health counseling (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without the victim's permission. These individuals are also not required by the Clery Act to report.

This would include counselors in NWOSU Counseling Services.

***NWOSU Victim Advocate***

The university treats the NWOSU Victim Advocate as a confidential reporting option. Victims can visit with the victim advocate to learn about resources available on campus. The Victim Advocate is not required to report any information about an incident to the Title IX Coordinator without a victim's permission. However, the victim advocate will report incidents, without personally identifiable information, to NWOSU Police for purpose of the Clery Act.

b. ***Non-Confidential Reporting Options***

The Clery Act requires all employees (excluding counselor, health care providers and victim advocate) who become aware of an instance of sexual harassment including sexual violence to report the instance to NWOSU Police. The victim's name should not be reported to the

police without the victim's permission. The report should include the nature, date, time, and general location of an incident. This is a limited report that includes no information that would directly or indirectly identify the victim. This allows for the university to track patterns, evaluate the program, and develop appropriate campus-wide responses.

When an instance of sexual harassment including sexual violence is reported to a "responsible employee," a student can expect the incident will be reported to the university's Title IX Coordinator. All full time employees of the university uphold the standard of being a responsible employee. A "responsible employee" is an employee who has the authority to redress sexual harassment including sexual violence, who has the duty to report incidents of sexual harassment or other student misconduct, or who a student could reasonably believe has this authority or duty. Examples include but are not limited to faculty members, advisors, employees in student services offices and anyone in a supervisory role. NWOSU considers all employees to be responsible employees.

A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual harassment or sexual violence shared by the victim including names, date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the university's response to the report. A responsible employee should not share information about the victim to law enforcement unless a victim requests.

When a victim tells a responsible employee about an incident of sexual harassment or sexual

violence, the victim has the right to expect the university will investigate the alleged sexual harassment, end any sexual harassment, prevent the sexual harassment from recurring, and educate on sexual harassment.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations and if the victim wants to maintain confidentiality, then the victim should be directed to a confidential resource.

### ***Requests for Confidentiality from a Non-Confidential Reporter***

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation or conduct action be taken, the university must weigh that request against the obligation to provide a safe environment for all students, including the victim.

If the university honors the request for confidentiality, a victim must understand that the university's ability to meaningfully investigate and respond to the incident may be limited.

Although rare, there are times when the university may not be able to honor a victim's request in order to provide a safe environment for all students.

When weighing a victim's request for confidentiality or that no investigation or conduct process be pursued, the following will be considered:

- The increased risk that the alleged respondent will commit additional acts of sexual or other violence such as:
  - whether there have been other sexual violence complaints about the same alleged respondent;
  - whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence;

- whether the alleged respondent threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple respondents;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the university possesses other means to obtain relevant information of the sexual violence (e.g., security cameras, personnel, physical evidence); and
- whether the victim's report reveals a pattern of perpetration (e.g., vial illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the university to investigate and, if appropriate, pursue conduct action. If none of these factors is present, the university will likely respect the victim's request for confidentiality.

If determined that the university cannot maintain a victim's confidentiality, the university will inform the victim prior to starting an investigation. The university will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victims from retaliation or harm and work with the victim to create a safety plan. The university may not require a victim to participate in any investigation. Retaliation against the victim, whether by students or university employees, will not be tolerated.

### ***REPORTING TO THE POLICE***

The university strongly encourages individuals to report sexual violence and any other criminal offenses to the police. This does not commit a victim to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, university conduct actions and/or civil actions against the perpetrator.

On campus incidents can be reported to NWOSU Campus Police in the Student Center Building or at 580-327-8511. If the incident occurred elsewhere in Alva, it can be reported to the Alva Police Department at 580-327-2121. If the incident happened anywhere else, it can be reported to local law enforcement with jurisdiction in the location where it occurred.

Please know that the information reported can be helpful in supporting other reports and preventing further incidents.

### ***REPORTING TO TITLE IX***

Anyone can report instances of sexual harassment and sexual violence to the Title IX Coordinator in the Fine Arts Building, Room 126 or at 580-327-8415. A complaint should be filed as soon as possible, preferably within 180 calendar days of the incident. A complaint can be filed online at <http://www.nwosu.edu/file-a-complaint> or in person in the Fine Arts Building, Room 126.

The university strongly encourages individuals to report any instances of sexual harassment and sexual violence to the police.

## **Student Conduct Process**

### ***ONCE YOU HAVE FILED A COMPLAINT WITH THE TITLE IX COORDINATOR***

We want you to be knowledgeable about the process that occurs once a complaint with the Title IX Coordinator is filed. The following describes the investigation process, the hearing and the outcome of the hearing. The Title IX Coordinator will be available to explain the process as requested. The Title IX investigation process will be prompt, fair, and impartial. This means the process will be completed within a reasonable timeframe as designated below and without undue delay. The process will be conducted in a manner that is consistent with the university's policies and will

be transparent to all parties. Lastly, the Title IX process will be conducted by officials who do not have conflict of interest or bias for the complainant or respondent.

### ***INVESTIGATION***

- a. You will be notified of receipt of your complaint and the actions the university official will take.
- b. A university official will meet with you to discuss the complaint submitted, review the investigation and hearing process, and determine the outcome you desire from your complaint.
- c. An investigation will be conducted by a non-biased Title IX Investigator. This investigation will include:
  - meeting personally with the complainant,
  - meeting personally with the student(s) accused,
  - meeting personally with any witnesses, and
  - reviewing any documentary evidence.
- d. The investigation of complaints will be adequate, reliable, and impartial. The Title IX Investigator will compile an investigation report.
- e. The investigation process can take up to 90 days. If at any point either party would like an update of the investigation process all they need to do is ask and an update will be provided.
- f. The university official will determine if a Title IX conduct hearing is possible based on the available information.
- g. If it is determined that the university will proceed with a formal Title IX conduct hearing, the complainant and the responding student(s) will be notified of the hearing date.

### ***HEARING***

- a. Hearing notification will occur at least five administrative office days in advance and include the hearing date, time and location. Hearings will be scheduled around academic schedules.

- b. Allegations of sexual misconduct and sexual harassment will be heard by the Sexual Assault Response Team's hearing committee.
- c. The hearing includes opening statements, presentation of the investigation report, information about the incident, presentation of information by witnesses, and closing statements.
- d. Each party is permitted to have a person of their choosing to accompany them throughout the hearing as an advisor.
- e. All parties are permitted to be present during the hearing (except during deliberations of the panel). All parties can be in the same room in a pre-arranged, non-threatening set-up or in separate rooms with a video conference set up.
- f. All parties are permitted to make statements, present witnesses and information during the hearing. Witnesses and information need to be directly related to the incident.
- g. The Sexual Assault Response Team's hearing committee will make a determination of the policy violations and, if any, the appropriate sanction(s).
- h. The standard of proof used in all university hearings is preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is significantly different than proof beyond reasonable doubt, which is required for a criminal prosecution.

## **OUTCOME**

- a. Possible outcomes include the entire range of sanctions listed in the Sexual Misconduct Policy. When it is determined that sexual misconduct is more likely than not to have occurred, the outcome can include separation from the university.
- b. Both parties have the right to be informed, in writing, of the outcome. You will be notified

within seven business days after the hearing, at the same time the respondent is informed of the outcome. If alleged victim is deceased as a result of such crime or offense, the next of kin of the victim shall be treated as the alleged victim for purposes of disclosure under this policy.

- c. Both parties have the right to appeal the decision reached through the hearing proceedings within five administrative office days after notification of the hearing outcome.

## **Resources for University Employees**

As an NWOSU employee, when an incident of sexual harassment or other crime is reported to you, there are three simple steps that you should follow to ensure that you have fulfilled your obligations.

1. Get the facts.
2. Inform the individual you must report the incident and provide them resources.
3. Report the incident to the appropriate individuals.

### **1. *Get the facts***

First, please know that if a crime is currently ongoing or you feel that it is an emergency, call 911.

Assuming that there is not an ongoing emergency, you must first get the facts of the incident. Facts would include the date and time the incident occurred, where the incident occurred, the details of what occurred, and the date it was reported to you. This information is critically important to determine if this incident has been previously reported by others.

You do not have to prove what happened or who was at fault, the appropriate and appointed individuals will investigate. In addition, do not try to apprehend the alleged individual of a crime.

2. ***Inform the individual you must report the incident and provide resources***

Please ensure that you tell the person reporting the incident to you that you must report what happened. An example of what to say:

“I need to let you know that I am required to report what you have shared with me to NWOSU Campus Police for the purpose of crime statistics. I will not be reporting your name to NWOSU Campus Police unless you provide consent for me to do so. However, NWOSU Policy and federal laws requires that I report all of what you have shared with me to the appropriate university officials [Title IX Coordinator].”

There is a distinct difference between what the Clery Act requires university officials to report to NWOSU Campus Police and what Title IX requires university officials to report internally.

When reporting to the police, the Clery Act does not require the victim’s name unless the victim consents. If more information is needed after you report, you might be asked to follow up with the victim or ask to share their name so the police can follow up. Know that the data compiled at the end of the year in the annual security report contains no names of either the victims or perpetrators.

When reporting to the Title IX Coordinator, Title IX requires that you provide both the victim and alleged individual’s names and details of what you know. The university is required to take immediate and appropriate steps to investigate what occurred and take prompt and effective action to:

- End the harassment,

- Prevent any recurrence and
- Remedy the effects.

The university will not be able to fulfill its federal requirements and maintain a safe living and learning environment if you do not share all the information.

Lastly, there are a number of campus and community resources available to victims of crimes. Please inform the individual about their option to report directly to law enforcement themselves; however you do not need to convince the person reporting this to you to speak to the police if they are unwilling to do so.

Information and resources can be found at <http://www.nwosu.edu/1is2many>.

### 3. ***Report the incident to the appropriate individuals***

After the facts have been collected and the individual has been informed of the report and provided resources, you now must report the incident to the appropriate officials [Title IX Coordinator].

## ***WHO TO CONTACT ABOUT SEXUAL HARASSMENT AND SEXUAL VIOLENCE***

Report all incidences to the **Title IX Coordinator** in the Fine Arts Building, Room 126 or at 580-327-8415.

## ***CLERY REPORTING***

University employee's obligations to report criminal activity extend beyond the obligation to report sexual harassment and sexual violence. Under the Clery Act, university employees are also required to report the following crimes to the NWOSU Police Department:

- Sex offenses
- Stalking

- Dating violence
- Domestic violence
- Aggravated assaults
- Hate Crimes
- Burglary
- Motor vehicle theft
- Robbery
- Arson
- Criminal homicide
- Arrests and disciplinary referrals for violations of liquor, drug and weapon laws

The reporter does not need to make a determination on the specific crime; they just need to report it.

Generally speaking, the Clery Act has exhaustive guidance regarding locations of crimes and what must be reported. In order to simplify this guidance, if you become aware of one of these crimes on campus or off campus but closely related to the university, err on the side of caution and report it.

Under normal circumstances when a crime is reported – the Police are called and speak to all involved parties. Once the police are called your reporting requirements are met and there is no need to call the police. But there are times when victims simply are not ready to speak to the police. This is not uncommon and we do not coerce individuals to report. You must still report the crime as best you can.

The Clery Act also includes requirements regarding reporting of missing students. Any employee who receives a report of a missing student should call NWOSU Campus Police immediately.

### ***VICTIM INTERACTION***

If approached by an alleged victim of sexual harassment or sexual violence it is important to be aware that the individual is choosing to tell you about a very traumatic incident. Active listening will be a key skill as well as emotional support, guidance, and direction. The

following is recommended when interacting with an alleged victim of sexual harassment or sexual violence:

- Address the victim by name.
- Introduce yourself by name and position and explain your role at the university. This is also the time to tell the victim of your reporting obligations and whether or not you can maintain confidentiality. Victims of sexual harassment or sexual violence need clear boundaries and role definitions from those professionals who offer help because their personal boundaries have been violated.
- Be non-judgmental. Do not blame the victim in any way for his or her experience.
- Be mindful that the victim may be emotionally distraught or even in shock.
- Share with the victim available resources both on campus and off campus. Resources can include reporting to the police or filing a formal complaint with Title IX. Other resources include the university Victim Advocate, Counseling Services, and interim safety measures provided by Title IX. Inform the victim of resources that are confidential and those that are not.
- Be patient, and if necessary, repeat what options are available. A victim may be in shock and therefore may not hear everything the first time you say it.
- Provide the victim with a Sexual Violence Resource Booklet that outlines all of the resources and information you have shared with them.
- Follow your specific reporting obligations if you have them.

### ***FACULTY AND STAFF INVESTIGATION PROCESS***

If an NWSU employee believes that he or she has been the victim of sexual harassment/misconduct/violence/assault in the university community, he or she may promptly report, without fear of reprisal, the facts of the incident and the

name(s) of the individual(s) involved to the Title IX Coordinator, located in Fine Arts Building, Room 126, or at (580) 327-8415. This report initiates a complaint.

Alternatively, an employee may report the situation to his or her immediate supervisor, department head, or Dean, who will immediately notify the Title IX Coordinator of the report. This report initiates a complaint. Supervisors must immediately report any complaints they receive or incidents of alleged harassment or discrimination they witness to the Title IX Coordinator.

The Title IX Coordinator (or an alternate investigator, where appropriate) will promptly, fairly and thoroughly investigate all claims of harassment and discrimination, regardless of whether such complaints are reduced to writing. All complaints of discrimination and harassment will be treated in the strictest confidence possible under the particular circumstances.

Upon receipt of a complaint, the Title IX Coordinator (or alternative investigator) will make every effort, within thirty calendar days, to complete a thorough investigation of the circumstances of the allegations. However, if additional time is needed to conduct a thorough investigation, the Title IX Coordinator may, in his/her discretion, extend the time for completing the investigation as reasonably necessary. In this case, the complainant and the respondent will be notified of the estimated time needed to complete the investigation.

The investigation will include interviews with the complaining party, the respondent, and any material witnesses identified, as well as a review of any documents or other evidence. The complaining party and the respondent will be kept apprised of the conduct of the investigation and will be given the opportunity to provide any additional relevant information to the investigator, including the names of additional witnesses to contact and/or additional documents to review before the investigation is closed. The complainant and respondent will be promptly notified of the final

determination. The Title IX Coordinator has no independent authority to impose sanctions.

If the Title IX Coordinator finds that there has been a violation and if the immediate supervisor, Dean, or division/department head seeks advice as to the appropriate penalty, the Title IX Coordinator may provide a recommendation as to the appropriate sanction. The appropriate university official will be responsible for deciding upon and imposing disciplinary action as soon as reasonably possible.

Sanctions imposed on those individuals who have been found to be in violation of the university's Sexual Misconduct Policy shall be commensurate with the severity and/or frequency of the conduct, and shall be adequate and sufficient to prevent such conduct in the future. Appropriate disciplinary action may include a range of actions up to and including dismissal.

Please refer to the Faculty Handbook 4.6 Sexual Harassment Policy or the Staff Handbook 7.8 Sexual Harassment Policy for more detailed information.

## **Preventative Measures**

The university encourages students to help in preventing harmful and negative incidents by being responsible for their own personal safety, intervening if they are a bystander of such incidents, and educating themselves through university sponsored trainings.

### ***AWARENESS EDUCATION***

Northwestern Oklahoma State University takes acts of sexual violence and sexual harassment seriously. In an effort to educate students and comply with the Violence Against Women Act and the Office for Civil Rights federal guidelines, ***all incoming students and faculty are required to complete online training on sexual violence prevention.***

The training platform utilized by Northwestern Oklahoma State University is eCHECKUP TO GO. The training is online and is recorded by the University to ensure training is completed by all incoming students.

Additionally, Title IX provides education on sexual violence to any group of students, faculty or staff upon request. Topics include but are not limited to sexual assault, sexual harassment, the investigation process for sexual misconduct, how to support a victim, bystander intervention, prevention strategies and resources available for victims.

### ***BYSTANDER INTERVENTION***

To prevent sexual violence, it is important that people are considered as potential witnesses or bystanders to behaviors related to sexual violence. As a witness of these behaviors, there are certain ways to step up to prevent a risky situation from escalating.

In order to intervene, someone has to:

1. ***Notice the incident:*** Bystanders first must notice the incident taking place. It's important to become attune to what situations may be risky; (e.g. if you're at a party, and you see someone stumbling as they are being led into a different room, this is a risky situation).
2. ***Interpret the incident as emergency:*** By "emergency," we mean a situation wherein there is a risk of sexual or domestic violence occurring in the near future.
3. ***Assume responsibility for intervening:*** It has been found that often, people believe that someone else will help in a situation where there are many people around. However, it is important to realize that others may also be thinking the same thing. If you're unsure if you should do something, ask a friend what they think – it might be the case that they've been thinking the same thing.
4. ***Have the bystander intervention skills to help:*** There are a number of different

techniques that someone can use to intervene in a risky situation, some are listed below.

### **THE 4 Ds (BYSTANDER INTERVENTION TECHNIQUES)**

Please remember that your safety is of the utmost importance. When there is a situation that threatens physical harm to yourself or another student, ask someone for help or contact the police.

1. **Direct:** Step in and address the situation directly. For example, "That's not cool. Please stop." or "Hey, leave them alone." This technique tends to work better when the person that you're trying to stop is someone that knows and trusts you. It does not work well when drugs or alcohol are being used because someone's ability to have a conversation with you about what is going on may be impaired, and they are more likely to become defensive.
2. **Distract:** Distract either person in the situation to intervene. For example, "Hey, aren't you in my Spanish class?" or "Who wants to go get pizza?" This technique is especially useful when people under the influence of alcohol or drugs because they are easily distracted than those that are sober.
3. **Delegate:** Find others who can help you to intervene in the situation while you distract the other, asking someone to go sit with them and talk, or going and starting a dance party right in the middle of their conversation. If you don't know either person in the situation, you could also ask around to see if someone else does and check in with them. See if they can talk to their friend, text their friend to check in, or intervene.
4. **Delay:** For many reasons, you may not be able to do something right in the moment. For example, if you're feeling unsafe or if you're unsure whether or not someone in the situation is feeling unsafe, you may want to check in with the person. In this case, you can combine a

distraction technique by asking the person to use the bathroom with you or go get a drink with you to separate them from the person that they are talking with. Then, you can ask them, "Are you okay?" or "How can I help you get out of this situation?"

Information from Vassar College Bystander intervention website, <http://savp.vassar.edu/prevention/bystander-intervention.html>

### **HOW TO SUPPORT A FRIEND**

If your friend is a victim of sexual harassment or sexual violence, the following information can offer guidance on how to help and support:

- a. Listen and accept what you hear. Do not press for details. Allow your friend to reflect on what has happened and to share some of her/his feelings.
- b. Keep what is said confidential.
- c. Let your friend know that she/he is not to blame. Many victims tend to blame themselves for the offender's actions, especially if the perpetrator was an acquaintance.
- d. Encourage your friend to obtain a medical examination.
- e. Allow your friend to make his/her own decision about their next steps.
- f. Seek emotional support for yourself.
- g. Accept their choices and decisions to the assault even if you disagree with what they have chosen to do. It is more important that they feel empowered to make choices and take back control than it is for you to impose what you feel you think is the correct decision.
- h. Encourage your friend to file a police report. Filing a report is not a commitment to prosecute, but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, university disciplinary actions and/or civil actions against the perpetrator. Information can be helpful in supporting other reports and/or

preventing further incidents (even anonymous reports are somewhat useful).

- i. Remind your friend of campus resources including NWOSU Victim Advocate, Title IX, and University Counseling Services.

### ***CAMPUS SAFETY***

Students at college accept new responsibilities, including taking appropriate measures to ensure their own personal safety. In combination with NWOSU's efforts to maintain a safe living and learning environment, the university encourages student to protect themselves. For additional information on campus safety, contact NWOSU Campus Police in the Student Center Building or at 580-327-8511.

### ***STATEMENT OF NON-DISCRIMINATION***

Northwestern Oklahoma State University does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, or status as a veteran, in any of its educational programs, activities, policies, practices, or procedures, including, but not limited to admissions, employment, eligibility for financial aid, and educational services. The Affirmative Action Officer is designated to handle inquiries regarding non-discrimination policies and can be reached in the Fine Arts Building, Room 126 or at 580-327-8415.

**TITLE IX COORDINATOR: CALLEB MOSBURG**  
**PHONE: (580) 327-8415**  
**EMAIL: [CNMOSBURG@NWOSU.EDU](mailto:CNMOSBURG@NWOSU.EDU)**  
**OFFICE: FINE ARTS 126**

**CAMPUS POLICE: JOEL JOHNSON- CHIEF (ALVA)**  
**PHONE: (580) 327-8511**  
**OFFICE: STUDENT CENTER**

**COUNSELING OFFICE: TAYLOR WILSON**  
**PHONE: (580) 327- 8547**  
**EMAIL: [tawilson@nwosu.edu](mailto:tawilson@nwosu.edu)**  
**OFFICE: FINE ARTS 209**

**NW FAMILY SERVICES: (ALVA)**  
**PHONE: (580) 327-2900**  
**ADDRESS: 602 Flynn Street**

**NW DOMESTICE CRISIS: (ALVA)**  
**PHONE: 580-327-6648**  
**24HR HOTLINE: 888-256-1215**  
**(WOODWARD)**  
**PHONE: (580) 256-1215**

**YOUTH AND FAMILY SERVICES: (ENID)**  
**PHONE: (580) 233-7220**

**YWCA: (ENID)**  
**PHONE: (580) 234-7581**

**ALVA POLICE DEPARTMENT:**  
**EMERGENCY PHONE: 9-1-1**  
**PHONE: (580) 327-2121**

**ENID POLICE DEPARTMENT:**  
**EMERGENCY PHONE: 9-1-1**  
**PHONE: (580) 242-7000**

**WOODWARD POLICE DEPARTMENT:**  
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